

REMARKS

Claims 1-16 are pending in this application. By this Amendment, claim 1 is amended. Support for the amendment is found, for example, at Applicants' page 6, lines 16-30, particularly lines 29-30. No new matter is added.

I. Formal Matters

Applicants submitted a certified copy of priority application FR 0300883 on August 12, 2004. Although the U.S. Patent Office PAIR records show the document as being part of the electronic file wrapper, the Patent Office has not yet formally acknowledged receipt of Applicants' Claim for Priority. Applicants request that the next Patent Office communication formally acknowledge such receipt.

II. Pending Claims 1-16 Define Patentable Subject Matter

In the Office Action, the prior grounds of rejection have been withdrawn in favor of new grounds. In particular, claims 1-8 and 13-16 are rejected under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. US2004/078817 to Horowitz in view of U.S. Patent No. 6,240,555 to Shoff; claims 9 and 10 are rejected under 35 U.S.C. §103(a) over Horowitz in view of Shoff, further in view of U.S. Patent No. 6,996,627 to Carden; and claims 11 and 12 are rejected under 35 U.S.C. §103(a) over Horowitz in view of Shoff, further in view of U.S. Patent Application Publication No. US2002/0127000 to Yamato. These rejections are respectfully traversed.

Independent claim 1 is amended to clarify that selection of audiovisual content to be recorded is made on a presentation server, and that the presentation server supplies a record file of the selected content to an access terminal, the record file including the address of an update server. Moreover, claim 1 clarifies that the access terminal receives the record file, generates a request to update the record file, and sends the request to the address included in the record file.

Horowitz fails to teach or suggest such features. In Horowitz, selection of an audiovisual content to record is made on the access terminal (see Horowitz, paragraph [0018] disclosing a client device having a memory including an electronic program guide EPG maintained in the memory). Selection is thus not made by a presentation server.

Additionally, Horowitz fails to teach that the presentation server supplies to the access terminal a record file. Instead, the record file referenced on Horowitz's paragraph [0018] is created by the access terminal itself because it comprises the EPG. Moreover, any such record file created by the access terminal does not include an address of an update server as claimed. This latter feature is admittedly lacking in Horowitz as indicated on page 3 of the Office Action. Finally, Horowitz fails to teach sending of a request by the access terminal to update the record file to the address included in the record file as claimed.

Shoff is relied upon for an alleged teaching of providing an address of an update server (col. 6, lines 8-26 and Fig. 3). Applicants respectfully disagree.

Shoff is directed to an interactive entertainment system that enables presentation of supplemental content alongside traditional broadcast video programs (see the abstract). The referred to col. 6 indicates that the storage location of the supplemental interactive content, for example in the form of a hyperlink URL, is contained in a data structure 48 included in EPG database 46 (see col. 5, line 62). However, Shoff is not concerned with the recording of audiovisual contents being broadcast according to a schedule as recited in claim 1. Instead, Shoff is only concerned with the interactivity of program information stored in the EPG. Consequently, one of ordinary skill in the art looking to update recording files would not have looked to Shoff. Moreover, even if combinable, the combination provides an address of supplemental content to record. This is not the recorded address of an update server, and does not teach that the access terminal would generate and send a request to the address of the update server identified in the record file to have the record file updated as recited in claim 1.

Furthermore, Shoff fails to teach an advantage to modify the teachings of Horowitz to store the EPG in a presentation server rather than in the access terminal as used in Horowitz.

Because Horowitz alone or in view of Shoff fails to teach each and every feature of independent claim 1, independent claim 1 and claims dependent therefrom patentably distinguish over the cited art. Carden and Yamato fail to overcome the deficiencies of Horowitz and Shoff with respect to independent claim 1. Accordingly, dependent claims 9-12 are allowable for their dependence on an allowable base claim and for the additional features recited therein.

Withdrawal of the rejections is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-16 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted



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